

08-26-02

1635

Express Mail Label No.: EV054295095US

Date of Deposit: August 23, 2002

Attorney Docket No. 15966-615 (CURA-115)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANTS : Prayaga, *et al*

SERIAL NUMBER 09/732,436

EXAMINER: Not Yet Assigned

FILING DATE : December 7, 2000

ART UNIT: 1635

FOR : Novel Polypeptides and Polynucleotides Encoding Same

**BOX SEQUENCE**

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Copy of Notice to Comply with Requirements for Patent Applications (5 pgs.);
2. Response to Notice to Comply with Requirements for Patent Applications (1 pg.);
3. Sequence Listing (22 pgs.)  
Statement in Support of CRF (1pg.);  
Electronic Copy of Sequence Listing (1 disk);
4. Preliminary Amendment (1 pg.);
5. Return postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 617-542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 15966-615 (CURA-115). A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Date: August 23, 2002

*Ivor R. Elrifi*  
Ivor R. Elrifi, Reg. No. 48,593  
Attorney/Agent for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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SERIAL NUMBER : 09/732,436 EXAMINER : Not Yet Assigned  
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FOR : Novel Polypeptides and Polynucleotides Encoding Same


**BOX SEQUENCE**  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**RESPONSE TO NOTICE TO COMPLY WITH SEQUENCE LISTING  
REQUIREMENT UNDER 37 CFR §§ 1.821 - 1.825**

In response to the Notice To Comply with Requirements for Patent Application mailed July 23, 2002, Applicants submit herein a paper copy of the Sequence Listing; Statement in Support of CRF; and electronic copy of Sequence Listing (1 diskette); and Preliminary Amendment.

Applicants believe that this response is timely filed. However, the Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Attorney Reference No. 15966-615 (CURA-115)).

Respectfully submitted,

  
Ivor R. Elrifi, Reg. No. 39,529  
Sean M. Coughlin, Reg. No. 48,593  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

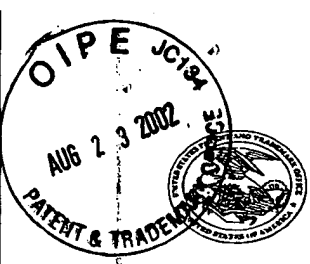
Dated: August 23, 2002

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,436	12/07/2000	Sudhirdas K. Prayaga	15966-615 (CURA-115)	9940

7590

07/23/2002

Ivor R. Elrifi, Ph.D.  
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.  
One Financial Center  
Boston, MA 02111

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JUL 26 2002

MINTZ LEVIN, BOSTON  
PATENT DOCKET DEPT.

EXAMINER

CHERNYSHEV, OLGA N

ART UNIT

PAPER NUMBER

1646

21

DATE MAILED: 07/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Done By	KCG
Check Entry	8/22/02
Check Class Off	1/23/03
Check Entered	
Check Drawing Req.	
DATE	
TIME	



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AUG 28 2002

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO./ CONTROL NO. 09/732,436	FILING DATE	FIRST NAMED INVENTOR PATENT IN REEXAMINATION	TECH CENTER 1600/2900 ATTORNEY DOCKET NO.
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EXAMINER
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Olga N. Chernyshev

ART UNIT	PAPER
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DATE MAILED:

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**PI ase find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

The instant application contains a paper copy and computer readable form (CRF) of the Sequence Listing. However, the CRF fails to comply with the Sequence Rules for the reasons that can be found in the attached Raw Sequence Listing Error Report. Applicant is required to submit a new copy of the CRF, paper copy of the Sequence List and a statement that the content of the paper copy and the CRF are the same and include no new matter.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

2. It is noted that there is an outstanding Office Action of Paper No.17, mailed on March 26, 2002. Timely response is expected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

**Examiner Olga Chernyshev** whose telephone number is (703) 305-1003. The Examiner can normally be reached on **Monday to Friday from 9 AM to 5 PM.**

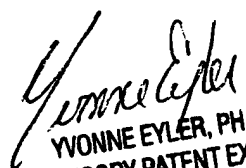
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Yvonne Eyler** can be reached at (703) 308-6564. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1 (CM1). The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6 (d)0. NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. **NO DUPLICATE COPIES SHOULD BE SUBMITTED** so as to avoid the processing of duplicate papers.

Official papers filed by fax should be directed to (703) 308-4556. If this number is out of service, please call the Group receptionist for an alternative number. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294. Official papers should not be faxed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Olga N. Chernyshev, Ph.D.

  
YVONNE EYLER, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600



**RAW SEQUENCE LISTING  
ERROR REPORT**

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SYSTEMS  
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The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/732,436C  
Source: 1646  
Date Processed by STIC: 6/10/2002

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

**FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.**

**FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.**

**PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)**

**PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)**

**TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER  
VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND  
TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:**

**<http://www.uspto.gov/web/offices/pac/checker>**

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202



## Notice to Comply

Applicati n No.

09/732,436

Examin r

Olga N. Chernysh v

Applicant(s)

PRAYAGA ET AL.

Art Unit

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### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

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